

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

JACINTO GOMEZ OVANDO and MARIA
DEL CARMEN PERALTA BAEZA on
behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

MOUNTAIRE FARMS, INC., and
MOUNTAIRE FARMS OF NORTH
CAROLINA, CORP.,

Defendants.

CA No. 7:23-cv-00004-M-RJ

**PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF
SETTLEMENT AGREEMENT OF CLASS AND COLLECTIVE ACTION AND
RELEASE OF CLAIMS**

Pursuant to Fed. R. Civ. P. 23 and 29 U.S.C. § 216(b), and based on the accompanying memorandum of law, Plaintiffs Jacinto Gomez Ovando and Maria Del Carmen Peralta Baeza (“Plaintiffs”) respectfully move this Court, consistent with the Parties’ Settlement Agreement of Class and Collective Action and Release of Claims (“Settlement Agreement”), (Dkt. 136-1), for an order: (1) preliminarily approving the proposed class and collective action settlement; (2) provisionally certifying the Rule 23 Settlement Class (as defined in the Settlement Agreement) for settlement purposes only; (3) appointing Plaintiffs’ Counsel as Class Counsel; (4) approving the appointment of CPT Group as settlement administrator; (5) approving the proposed Notice, Claim Form, and notice plan; and (6) setting a date for a final approval hearing that is no earlier than one hundred (100) calendar days from the date after the filing of this Motion for Preliminary Approval, to allow the Parties to comply with the Class Action Fairness Act, 28 U.S.C. § 1715(b) (“CAFA”).

The Parties' Settlement Agreement, proposed Notice, proposed Claim Form, and proposed order are submitted herewith.

Counsel for Plaintiffs has conferred with counsel for Defendants Mountaire Farms Inc. and Mountaire Farms of North Carolina Corp. ("Defendant" or "Mountaire") and, consistent with the Settlement Agreement, Defendants do not oppose the instant motion for purpose of settlement.

Respectfully submitted this March 28, 2025.

/s/ Gilda Adriana Hernandez

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CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2025, I electronically filed the foregoing true and accurate copy of **PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT AGREEMENT OF CLASS AND COLLECTIVE ACTION AND RELEASE OF CLAIMS** with the Court using the CM/ECF system, and have thereby electronically served the document to the following:

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